

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOANNA CASTRO,  
*PLAINTIFF*

V.

ALBERT SALINAS,  
*DEFENDANT*

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CIVIL NO. 5:18-CV-00312-DAE

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**JOINT REPORT ON CONFERENCE REQUIRED BY RULE 26(f) AND  
JOINT DISCOVERY/CASE MANAGEMENT PLAN**

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Discovery

1. The conference required by Rule 26(f) of the Federal Rules of Civil Procedure was held on **July 27, 2018** by telephone and email correspondence. Present were PATRICK C. BERNAL, ADOLFO RUIZ representing Defendant and MILLIE THOMPSON representing Plaintiff.
2. Pursuant to Rule 26(f) (3) and subject to Defendant's Motion to Dismiss [Dkt. 5] the Parties provide the following information:

**(A)** what changes should be made in the timing, form, or requirement for disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made;

**The parties agree that mandatory disclosures should be exchanged no later than August 10, 2018. No changes to form are proposed.**

**(B)** the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues;

**Discovery should be conducted on topics, including but not limited to the facts related to Plaintiff's First Amended Complaint, in part, federal claims for alleged violations under the First, Fourth, and Fourteenth Amendments of the U.S. Constitution, 42 U.S.C §1983, 42 U.S.C. §1988, and any other claims in this matter. Discovery will be completed pursuant to the parties' attached Scheduling Recommendations, subject to Defendant's Motion to Dismiss [Dkt. 5].**

(C) any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced;

The parties do not anticipate any disputes regarding electronically stored information. The parties agree that if possible, any relevant and responsive documents requested during discovery will be produced in their original format. However, if any cost, hardship, and incompatibility issues should arise in providing the electronically stored information in its original format, the parties shall confer and resolve the issue amicably. Pending any resolution to providing the electronically stored information in its original format, said information shall be produced in paper or PDF format, word searchable if possible, on USB drive or disc, and the producing party will allow the requesting party to appear and view the requested material in its original format. The Parties agree that Rule 26 (b)(2)(B) "Specific Limitations on Electronically Stored Information" controls.

(D) any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order;

**At this time, it is anticipated that Jack Miller and Plaintiff's husband, Todd Ferguson, may assert their Fifth Amendment privilege related to any pending criminal matters on a question by question basis.**

(E) what changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed; and

**None.**

(F) any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).

**None.**

3. Scheduling Order

**The parties file the attached Proposed Scheduling Recommendations with the Court subject to Defendant's Motion to Dismiss [Dkt. 5].**

4. List the names, bar number, addresses, and telephone numbers of all counsel.

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Signed this 1<sup>st</sup> day of August, 2018.

Respectfully submitted,

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**PROPOSED AGREED SCHEDULING ORDER**

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Pursuant to a Rule 26(f) conference between parties on **July 27, 2018**, Defendant's counsel offered dates for a proposed scheduling order in the above-numbered case. The parties discussed these dates at the Rule 26(f) conference and have agreed to these dates. Pursuant to this agreement and in accordance with Rule 16 of the Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by **September 20, 2018**.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **August 20, 2018**, and each opposing party shall respond, in writing, by **September 4, 2018**.
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **December 19, 2018**.
4. All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, testifying expert reports, and proposed exhibits, and shall serve on all parties, but not file the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **November 16**,

**2018.** Parties resisting claims for relief shall file their designation of potential witnesses, testifying experts, testifying expert reports, and proposed exhibits, and shall serve on all parties, but not file the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **December 21, 2018.** All designations of rebuttal experts shall be filed within fourteen **(14) days** of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **thirty (30) days** of receipt of the written report of the expert's proposed testimony or within **thirty (30) days** of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before **February 28, 2019.** Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than **May 1, 2019.** Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to twenty (20) pages in length. Replies, if any, shall be limited to ten (10) pages in length in accordance with Local Rule CV-7(e).

8. The hearing on dispositive motions will be set by the Court after all responses and replies have been filed.

9. The Court will set the case for trial by separate order. The order will establish trial type deadlines to include pretrial matters pursuant to Local Rule CV-16(e)-(g).

10. All of the parties who have appeared in the action conferred concerning the contents of the proposed scheduling order on July 27, 2018, and the parties have agreed as to its contents.

**SIGNED AND ENTERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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UNITED STATES DISTRICT JUDGE

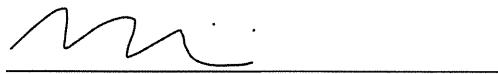
**APPROVED AS TO FORM:**

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